

APPEAL NO. 022930  
FILED JANUARY 2, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 17, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 6th quarter. The claimant appealed, and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer determined that the claimant is not entitled to SIBs for the 6th quarter because he was not enrolled in, and satisfactorily participated in, a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC) during the relevant qualifying period; he did not search for work every week during the relevant qualifying period; and records were presented to show that the claimant does have some ability to work. The claimant testified that he has been taking English classes in order to help him obtain a job in which he would not have to do any heavy lifting. No Individualized Plan for Employment (IPE) from the TRC was offered into evidence. The carrier presented evidence that this is so because no IPE has been entered into.

Whether or not the claimant met his burden of proof regarding entitlement to SIBs presented a question of fact for the hearing officer to resolve. Nothing in our review of the record indicates that the complained-of determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER  
1999 BRYAN STREET  
DALLAS, TEXAS 75201.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Michael B. McShane  
Appeals Panel  
Manager/Judge